

**NOTICE OF PREPARATION**  
**OF A**  
**FOCUSED ENVIRONMENTAL IMPACT REPORT**  
**FOR THE**  
**BERRYESSA GENERAL PLAN AMENDMENT**

PROJECT APPLICANT: UBS Realty Investors LLC  
PROJECT LOCATION: 1610 – 1650 Berryessa Road  
APN: 254-17-006, 067, 068, 069, 070  
  
FILE NO: GP06-04-05

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San José  
Attn: Licinia McMorro  
San Jose City Hall  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113  
Phone: (408) 535-7814  
Email: [licinia.mcmorrow@sanjoseca.gov](mailto:licinia.mcmorrow@sanjoseca.gov)

Joseph Horwedel  
Director of Planning, Building and Code Enforcement

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Deputy

Date: April 3, 2007

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April 2007

***Introduction***

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- An executive summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project site;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

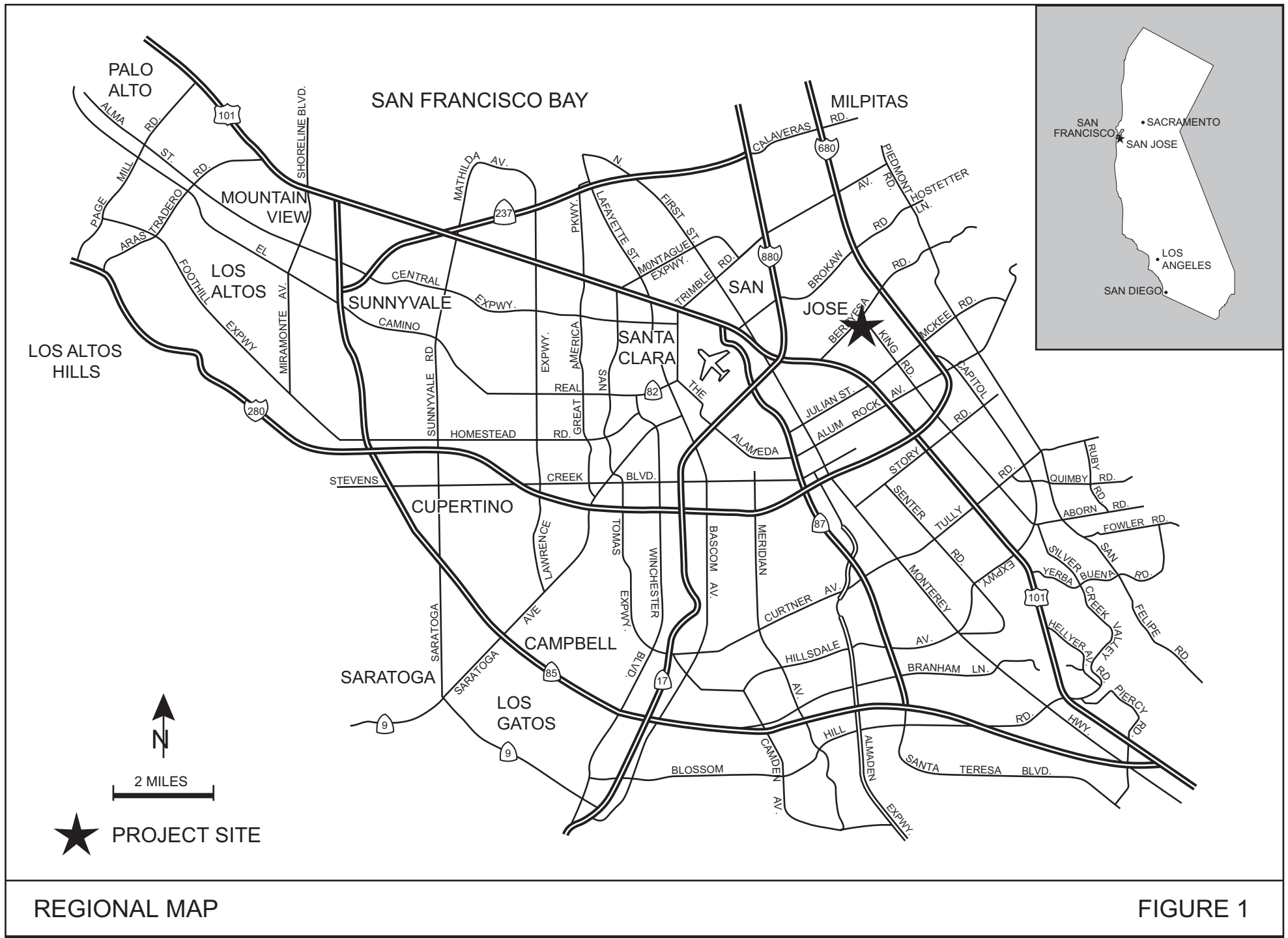
This NOP discusses the resource areas that will be addressed in the EIR as well as those that will be addressed in the Initial Study.

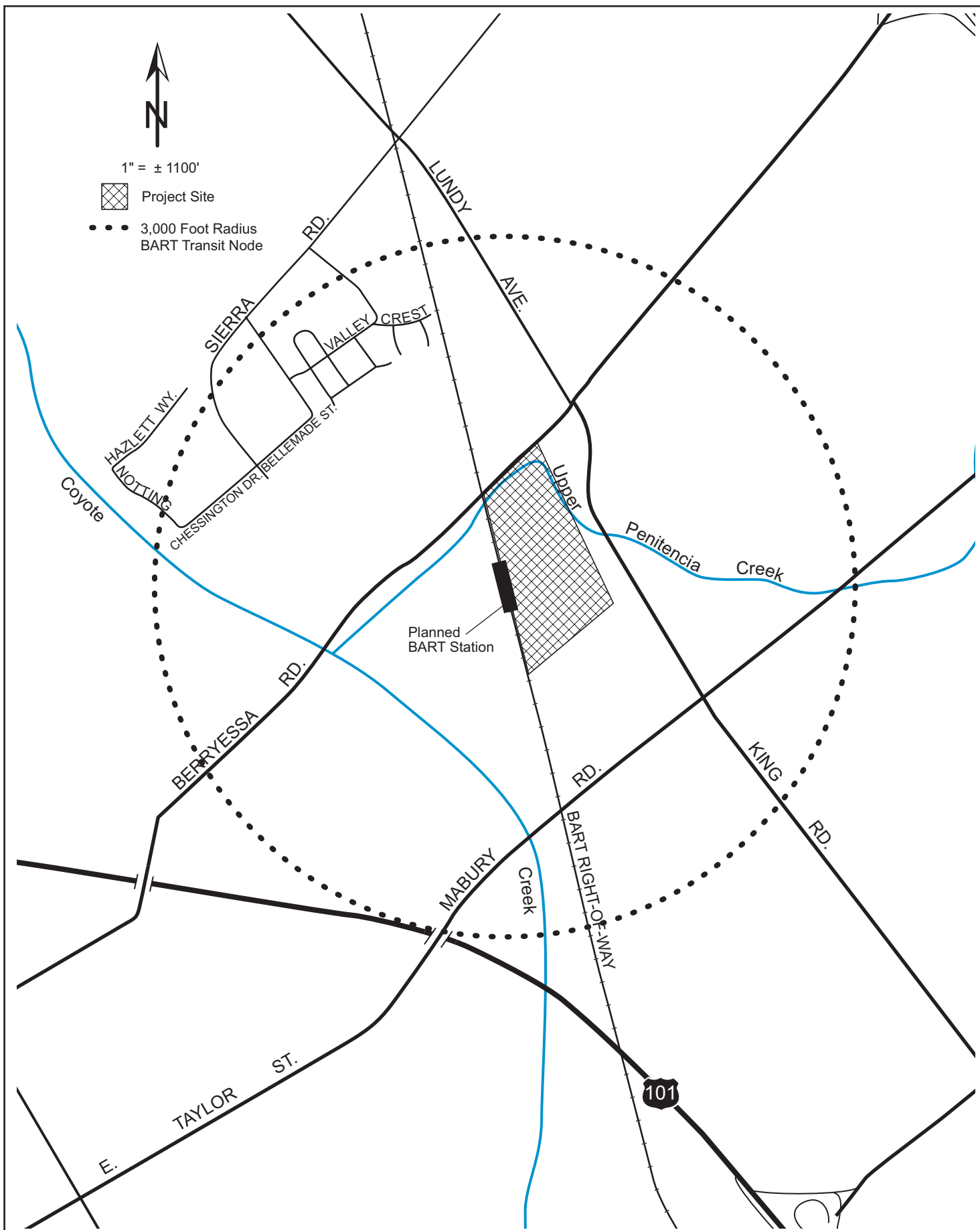
***Project Location***

The proposed project site is located at 1610 – 1650 Berryessa Road, between King Road and the San José Flea Market in the City of San José. (see Figures 1 and 2).

***Project Description***

The project proposes a General Plan Amendment from *Light Industrial to Transit Corridor Residential (20+ DU/AC)* on a 13.64-acre site. This land use designation is intended for medium high and high density residential uses within, or very near, Transit-Oriented Development Corridors and BART Station Area Nodes, Housing Initiative Areas, or major bus routes. The project site is bordered on the west by Union Pacific rail line (UPRR), which is proposed as a future BART line. The future Berryessa BART Station is also proposed at this location (adjacent to the project site) within the railway right-of-way. There is no specific development proposal at this time.





VICINITY MAP

FIGURE 2

## ***Potential Environmental Impacts of the Project***

The EIR will describe the existing environmental conditions on the project site and identify the significant environmental effects anticipated to result from development of the project as proposed. Where significant environmental impacts are identified, the EIR will discuss mitigation measures intended to avoid or reduce the impact to a less than significant level. The EIR will include the following specific environmental categories as related to the proposed project:

### ***1. Land Use***

The project site is located between Downtown San José and North San José and is surrounded by high density housing, single-family housing, light industrial businesses, and commercial businesses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts which would occur as a result of the proposed General Plan amendment will be described, including the compatibility of the proposed and existing land uses in the project area. Mitigation measures will be identified for significant impacts, as warranted.

### ***2. Transportation and Circulation***

The project site is located in a highly developed area of San José and, as can be expected, existing roadway volumes in the project area are high. The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. Traffic impacts will be assessed based on estimated project trips from full build out under the proposed land use designation. Mitigation measures will be identified for significant impacts, as warranted.

### ***3. Cultural Resources***

The project site is located in an area of high archaeological and historical sensitivity. The EIR will address known archaeological sites in the project area and the potential for unknown resources to be found during construction. Mitigation measures will be identified for significant impacts, as warranted.

### ***4. Noise and Vibration***

The major noise sources in the project area automobile traffic on Berryessa Road and King Road and the adjacent rail line. The EIR will discuss the potential of future development under the proposed General Plan amendment to be impacted by the existing noise levels on the project site. The EIR will also discuss temporary construction noise and the impact of this noise on adjacent residences. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José. In addition, the potential for ground vibration from the railroad line to affect future development will be evaluated. Mitigation measures will be identified for significant impacts, as warranted.

### ***5. Hazardous Materials***

The project site is currently developed with light industrial land uses. The EIR will summarize known hazardous materials conditions on and adjacent to the project site, and will address the potential for future development under the proposed General Plan amendment to result in a hazardous materials impact, including a Risk Assessment of Hazardous Materials Users in the Project Area. Mitigation measures will be identified for significant impacts, as warranted.

## 6. *Air Quality*

The San Francisco Bay Area is a non-attainment area for carbon monoxide. The EIR will address the regional air quality conditions in the Bay Area, and discuss the proposed General Plan amendments impacts to local and regional air quality. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

## 7. *Biological Resources*

The project site is currently developed but has numerous landscape trees around the property. In addition, the project site is bordered on the north and east by Penitencia Creek. The EIR will provide a discussion of the trees located on the project site and will evaluate the impacts of the future development on habitat value and listed species. The EIR will also discuss the impact of future development on the riparian corridor. Mitigation measures will be identified for significant impacts, as warranted.

## 8. *Visual Resources*

The project site is surrounded by one- and two-story industrial and commercial buildings, as well as high density and single-family housing and Penitencia Creek. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of future development under the proposed General Plan amendment. Mitigation measures will be identified for significant impacts, as warranted.

## 9. *Geology*

The project site is located in Seismic Zone 4, which is the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site. Mitigation measures will be identified for significant impacts, as warranted.

## 10. *Hydrology*

The project site is located adjacent to Penitencia Creek. The EIR will address the possible flooding issues from Penitencia Creek as well as the effectiveness of the storm drainage system and the effects of future development under the proposed General Plan amendment on storm water quality. Mitigation measures will be identified for significant impacts, as warranted.

## 11. *Utilities*

Future development under the proposed General Plan amendment will likely result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of future development on public services, including utilities such as sanitary and storm drains, water supply, and solid waste management. Mitigation measures will be identified for significant impacts, as warranted.

## 12. *Availability of Public Services*

Future development under the proposed General Plan amendment will likely result in an

increased demand on public services such as police and fire protection, as well as schools, parks, and libraries. The EIR will address the availability of public facilities and service systems, and the possibility of the future development requiring the construction of new facilities. Mitigation measures will be identified for significant impacts, as warranted.

*13. Alternatives*

The EIR will examine alternatives to the proposed project including a “No Project” alternative and at least one alternative General Plan amendment scenario. Alternatives discussed will be chosen on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the objectives of the project proponent.

*14. Significant Unavoidable Impacts*

The EIR will identify those impacts that cannot be avoided, if the project is implemented as proposed.

*15. Cumulative Impacts*

The EIR will include a Cumulative Impacts section which will address the significant cumulative impacts of the proposed General Plan amendment when considered with other past, present, and reasonably foreseeable future projects and General Plan amendments in the project area. Cumulative impacts will be discussed qualitatively, unless specific quantitative information on other pending projects is available prior to publication of the EIR.